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Mr David Farmer
General Manager
Wollongong City Council
Locked Bag 8821
Wollongong DC NSW 2529

Attention: Jon Bridge

Dear Mr Farmer

Planning proposal to amend Wollongong Local Environmental Plan 2009 – Sheaffes Road South precinct

I am writing in response to Council's request for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend zones and controls for certain land between Sheaffes Road and West Dapto Road, Kembla Grange.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have agreed that any inconsistencies with relevant s117 Directions are minor or justified and no further approval is required in relation to these Directions.

To ensure consistency with s117 Direction 4.4 Planning for Bushfire Protection, Council is required to consult with the NSW Rural Fire Service (RFS) prior to exhibition of the planning proposal.

I note that the mapping provided to the Department identifies proposed changes by hatching and labelling affected areas. This is considered to be a clear and appropriate method of conveying proposed changes. Prior to exhibition however, the hatching/labelling should be removed from the parcel of land located south/east of West Dapto Road that is currently zoned B2 Local Centre. That parcel is outside of the scope of this proposal and its inclusion may cause confusion. The Explanation of the Provisions section of the Planning Proposal will also need to be amended to remove reference to this land.

Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council, as a major landowner in the area, has advised that it does not wish to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have agreed that this is appropriate.

The amending Local Environmental Plan is to be finalised within 12 months of the date of the Gateway determination. Council's request to draft and finalise the Local Environmental Plan should be sent to the Department 6 weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete Local Environmental Plans by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Ms Louise Myler of the Department's regional office to assist you. Louise can be contacted on (02) 4224 9463.

Yours sincerely

A handwritten signature in cursive script, followed by the date '4/2/16' written in a simple, clear font.

Linda Davis
Acting Director Regions, Southern
Planning Services

Encl:
Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2016_WOLLG_002_00): to amend zones and controls for land between Sheaffes Road and West Dapto Road, Kembla Grange to reflect the Sheaffes Road and West Dapto Road Neighbourhood Plan.

I, the Acting Director Regions, Southern at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Wollongong Local Environmental Plan 2009 as described above should proceed subject to the following conditions:

1. Prior to exhibition, the proposal is to be amended as follows:
 - (a) Mapping - the hatching/labelling on the parcel of land located south/east of West Dapto Road that is currently zoned B2 Local Centre is to be removed.
 - (b) The Explanation of Provisions is to be amended to remove reference to that parcel of land as it is outside of the scope of this proposal.
2. Community consultation is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* as follows:
 - (a) the planning proposal must be made publicly available for 28 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of 'A guide to preparing local environmental plans (Planning and Infrastructure, 2013)'.
3. Consultation is required with the following public authorities under section 56(2)(d) of the *Environmental Planning and Assessment Act 1979*:
 - * Office of Environment and Heritage
 - * NSW Rural Fire Service
 - * Transport for NSW - Roads and Maritime Services
 - * Sydney Water
 - * Department of Education and Communities

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that it will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

Consultation is required with the NSW Rural Fire Service prior to undertaking community consultation in order to satisfy the requirements of s117 Direction 4.4 Planning for Bushfire Protection.

4. No public hearing is required to be held into the matter under section 56(2)(e) of the *Environmental Planning and Assessment Act 1979*. This does not discharge Council from any obligation it may otherwise have, to conduct a public hearing (for example in response to a submission or if reclassifying land).
5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Dated 4th day of February 2016



**Linda Davis, Acting Director Regions, Southern
Planning Services, Department of Planning and
Environment, Delegate of the Minister for Planning**